

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
October 27, 2003

(NO ENTRY THIS DATE)

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
October 28, 2003

**D040751        In re Estate of Billington**

The petition for rehearing is denied.

**D043121        In re Green on Habeas Corpus**

The petition is denied.

**D043147        Gonzalez v. Superior Court of San Diego County/The People**

The petition for writ of prohibition/mandate and request for stay have been read and considered by Presiding Justice McConnell and Associate Justices Benke and Haller. The petition is denied.

**D043148        Gonzalez v. Superior Court of San Diego County/The People**

The petition for writ of prohibition/mandate and request for stay have been read and considered by Presiding Justice McConnell and Associate Justices Benke and Haller. The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
October 29, 2003

**D042804        Norwood v. Superior Court of San Diego County/People**

The denial of a petition for a writ within the court's original jurisdiction without issuance of an alternative writ or order to show cause is final immediately. (Cal. Rules of Court, rule 24(b)(2)(A), all rule references are to the California Rules of Court.) This court is without jurisdiction to rehear the petition. (Rule 25(a)(1).) Terrence Norwood's request to be granted an exception under Penal Code section 11177.2 [The Uniform Act for Out-of-State Parolee Supervision] should be first directed to the San Diego Superior Court.

**D037776        People v. Mounger et al.**

The judgment is reversed. McDonald, J.; We Concur: McConnell, P.J., McIntyre, J.

**D040916        People v. Dekker**

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to show the conviction of section 23153, subdivision (b) and forward a certified copy of the amended abstract of judgment to the Department of Corrections. McConnell, P.J.; We Concur: Haller, J., O'Rourke, J.

**D043127        City of Yuma et al. v. Superior Court of Imperial County/Cruz et al.**

The petition is denied.

**D041818        People v. Applestein**

The judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., Benke, J.

**D042352        People v. Wuensch**

The appeal is dismissed pursuant to rule 37(b).

**D043124        In re Joseph on Habeas Corpus**

The petition is denied without prejudice.

**D042892        Sayed v. Hugo**

Pursuant to California Rules of Court, rule 8, the appeal is dismissed.

**D043128        D.R. Horton San Diego Holding Company Inc. v. Superior Court of San Diego County/ACI Sunbow**

The petition is denied.

**D042337        Sanzaro et al. v. Shadowhill Investment, LLC et al.**

The judgment is reversed. The superior court is directed to vacate the judgment and dismiss the action with prejudice. The remittitur is to issue immediately. The parties shall bear their own costs on appeal. McConnell, P.J.; We Concur: Benke, J., Haller, J.

**D043144        Hayes v. Superior Court of San Diego County/People**

The petition is denied.

**D043152        Reichner et al. v. Superior Court of San Diego County/Maywood**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
October 30, 2003

**D041480        Redante v. Yockelson et al.**

The opinion filed September 30, 2003, is ordered certified for publication.

**D041822        People v. Hutchinson**

The judgments are affirmed. Haller, J.; We Concur: McConnell, P.J., Huffman, J.

**D040052        People v. Hansen**

**D040246        People v. Hansen**

(Consolidated) The trial court's order striking the section 12022.53, subdivision (d) firearm enhancement is reversed, and the case is remanded to the trial court with directions to impose the mandatory consecutive sentence of 25 years to life for this enhancement. Pursuant to section 12022.53, subdivision (f), the trial court is directed to stay the sentence for the lesser firearm enhancement under section 12022.5, subdivision (a)(1). In all other respects, the judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., Haller, J.

**D042370        People v. Acker**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 37(b). The appeal is dismissed.

**D042179        MTRADE Comercio Importacao Exportacao LTDA v. Synbiotics Corporation**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

**D043132        People v. Jimenez**

The petition is denied.

**D043135        Survival Systems, USA et al. v. Superior Court of San Diego County/Helvenston**

The petition is denied. Petitioners have an adequate remedy by way of appeal.

**D042348        In re James M., a Juvenile**

The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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October 31, 2003

**D041445        People v. Simmons**

The judgment is modified to stay execution of sentence on count 2 and its related enhancement. In all other respects the judgment is affirmed. The superior court is directed to amend the abstract of judgment and forward a copy to the Department of Corrections. Benke, Acting P.J.; We Concur: Huffman, J., McIntyre, J.

**D042500        In re Christopher R., a Juvenile**

The appeal is dismissed. Aaron, J.; We Concur: Nares, Acting P.J., McDonald, J.

**D041988        Younker v. Lawrie**

Upon written request filed by appellant, the appeal is dismissed.

**D041808        In re Suvannah N. et al., Juveniles**

The judgments are affirmed. Aaron, J.; We Concur: Nares, Acting P.J., McDonald, J.

**D042869        Lisa C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

By failing to file a timely petition for writ relief, the notice of intent is deemed to be abandoned. The case is dismissed.

**D043021        In re Nicholas D., a Juvenile**

Appellant having failed to respond to the letter of October 7, 2003, the appeal is dismissed.